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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Masashi MIWA et al.

Group Art Unit: 1794

Application No.: 10/594,338

Examiner: L. CHAU

Filed: November 14, 2006

Docket No.: 129543

For: RARE EARTH MAGNET AND METHOD FOR MANUFACTURING SAME

RESPONSE TO RESTRICTION AND ELECTION OF SPECIES REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the September 10, 2009 Restriction and Election of Species Requirement, Applicants provisionally elect Group I, claims 52, 53, 56-61, 103, 105, 107 and 109, with traverse.


Because the claims of Group I do not include "an outer protective layer," Applicants do not believe that the required Election of Species A-D is appropriate. However, to fully comply with the Restriction and Election of Species Requirement, Applicants also elect Species B, directed to the outer protective layer being a resin layer, with traverse.

It is also respectfully submitted that the subject matter of all claims or species is sufficiently related that a thorough search for the subject matter of any one Group of claims or species would encompass a search for the subject matter of the remaining claims or species. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the

examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Thus, withdrawal of the Restriction and Election of Species Requirement is respectfully requested.

Respectfully submitted,


James A. Oliff
Registration No. 27,075

Edward J. Wise
Registration No. 34,523

JAO:EXW/axl

Date: October 6, 2009

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

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